



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खंड IV]

शिमला, शनिवार, 23 जून, 1956

[संख्या 25]

विषय-सूची		
भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उपराज्यपाल और जूडिशल कमिशनरज कोर्ट द्वारा अधिसूचनाएं इत्यादि .. .. .	359—362
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि ..	362
भाग 3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के उपराज्यपाल, जूडिशल कमिशनरज कोर्ट, फाइनेन्शल कमिशनर, कमिशनर आफ इनकम टैक्स द्वारा अधिसूचित आदेश इत्यादि ..	—
भाग 4	स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटोफाइड और टाउन एरिया तथा पंचायत विभाग	363—375
भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन .. .. .	375—376
भाग 6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन .. .. .	—
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं .. .. .	—
—	अनुपूरक .. .. .	—

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उपराज्यपाल और जूडिशल कमिशनरज कोर्ट द्वारा अधिसूचनाएं इत्यादि

**HIMACHAL PRADESH GOVERNMENT**  
**HOME, GAZETTE & TRANSPORT DEPARTMENT**

## NOTIFICATIONS

Simla-4, the 1st June, 1956

No. HGT. 4-2/55.—In exercise of the powers conferred by paragraphs 21 and 22 of the Himachal Pradesh (Courts) Order, 1948, the Lieutenant Governor, Himachal Pradesh, after consultation with Judicial Commissioner, Himachal Pradesh, is pleased to confer upon Shri Hardy, Magistrate 1st Class, Sundernagar the powers of a Sub-Judge with respect to cases upto the value of Rs. 2,000 generally to be exercised within the limits of Mandi District with immediate effect.

Simla-4, the 16th June, 1956

No. HGT.4-2/55.—In exercise of the powers conferred by paragraphs 21 and 22 of the Himachal Pradesh (Courts) Order, 1948 the Lieutenant Governor, Himachal Pradesh, after consultation with the Judicial Commissioner, Himachal Pradesh, is pleased to confer upon Shri Chatter Singh, Tehsildar, Karsog, the powers of a Sub-Judge with

respect to cases upto the value of Rs. 1,000 generally to be exercised within the limits of Mandi District with immediate effect.

K. R. CHANDEL,  
Assistant Secretary (Home).

## CO-OPERATIVE AND SUPPLIES AND PANCHAYATS DEPARTMENT

### NOTIFICATION

Simla-4, the 18th June, 1956

No. CS.92-78/56.—Consequent upon Shri Vidya Sagar's Deputy Registrar, Co-operative Societies, Himachal Pradesh, Cum Deputy Director of Panchayats, Himachal Pradesh, having proceeded on earned leave with effect from 16th April, 1956, forenoon, Shri Harbans Singh Negi, Deputy Registrar (Development) Co-operative Societies, Himachal Pradesh will officiate as Deputy Director of Panchayats with effect from 16th April, 1956, forenoon, till further orders. He will also carry on the work connected with the Civil Supplies.

A. B. MALIK,  
Secretary.

## EDUCATION DEPARTMENT

## NOTIFICATION

Simla-4, the 19th June, 1956

No. E.32-125/54.—In pursuance of sub-section (1) of Section 14, of the Himachal Pradesh Compulsory Primary Education Act, 1953 (Act No. 7 of 1954) the Government of Himachal Pradesh is pleased to order that since no objections with regard to the draft Rules published *vide* this Government Notification, dated the 9th December, 1955 (published in the Rajpatra, dated the 31st December, 1955) have been received, the rules, referred to above, will, therefore, become final and will come into force with immediate effect.

By order,  
K. R. CHANDEL,  
Assistant Secretary.

## FINANCE DEPARTMENT

## NOTIFICATION

Simla 4, the 12th June, 1956

No. F. 72-119/48-IV.—In supersession of Finance Department Notification of even No., dated the 31st May, 1956, please delete the name of the Deputy Commissioner, Sirmur, only from the Finance Department Notification No. F. 72-119/48-III, dated the 18th March, 1956.

By order,  
R. C. GUPTA,  
Assistant Secretary.

## FOREST DEPARTMENT

## NOTIFICATION

Simla-4, the 13th June, 1956

No. Ft. 45-58/56.—In exercise of the powers conferred by sections 41 and 42 of the Indian Forest Act XVI of 1927 as applied to Himachal Pradesh read with Government of India Ministry of States Notification No. 146-J, dated the 6th December, 1950, the Himachal Pradesh Government are pleased to make the following rules to regulate the export of forest produce from Mandi and Suket Forest Divisions.

## RULES

1. These rules shall be called the "Forest produce Export Rules, Mandi" 1956.
  2. These rules shall come into force from the date of issue of this notification and shall apply to the whole Mandi District.
  3. All terms used in these rules and defined in the Indian Forest Act XVI of 1927 shall be deemed to have the meanings respectively assigned to them by the said Act.
  4. The term "Forest Officer" means the Divisional Forest Officers incharge of Mandi and Suket Forest Divisions with jurisdiction as notified *vide* Himachal Pradesh Government Notification No. Ft. 29-144/48, dated the 30th June, 1949 and as amended from time to time or any other employees of the Forest Department duly authorised by the Forest Officer as well as any other person authorised by name or as holding an office by the Forest Officer to do any thing or required to be done by the Forest Officer under these rules.
- So far it is necessary for the purpose of carrying out these duties, the said persons are hereby also appointed Forest officers, for the purpose of Sections 44, 52, 57 and 66 of Act XVI of 1927. "Forest Produce" as defined in Chapter I Section 2 clause 4(a) and 4(b) of Indian Forest Act.

5. The export of the forest produce except by the routes specified below or to be specified by the Forest Officer from time to time is prohibited :—

1. Mandi and Ghatta on Mandi-Ghatta Motor road.

2. Mandi and Ratti on Mandi-Ratti, Bhambla Motor road.
  3. Mandi and Out on Nagwein-Out Mandi Motor road.
  4. Baggi and Ratti on Basa-Baggi-Mandi Motor road.
  5. Dehar on Sundernagar-Dehar Motor road.
  6. Ratti on Sundernagar-Ratti-Bhambla Motor road.
  7. Tattapani on Sundernagar-Chindi-Tattapani bridle road.
  8. Fernu on Sundernagar-Karsog-Fernu bridle road.
6. All Forest produce exported through the limits of Mandi District shall be conveyed by the routes mentioned above or such routes as may be specified by the Forest Officer from time to time.

It shall pass through depots mentioned in Rule 5 above for purposes of examination of these routes, as may be specified from time to time, by the Forest Officer.

7. No Forest produce shall be exported past such depots between the hours of sunset and sunrise unless specially authorised by the Forest Officer.

8. No Forest produce shall be exported through the Mandi District, unless covered and accompanied by a pass issued by the Forest Officer or any other person authorised in writing by him in this behalf, which shall be produced at the specified depots, by the persons in-charge of the Forest produce.

9. The permit for export issued by the Forest Officer shall specify full particulars of the forest produce the number or quantity of the said produce, the source and destination, as well as full particulars of the persons incharge of it. The permit which will be in form attached to these rules as appendix I will also specify the date to which it is valid. The period of export may be extended at the discretion of the Forest Officer.

10. The applications for exports permit must contain the following details :—

- (a) Name and full address of the applicant.
- (b) Name and full address of the person in whose favour the permit is to be issued.
- (c) Particulars and description of the forest produce to be exported.
- (d) Number or quantity of forest produce to be exported.
- (e) Sources from which the forest produce has been obtained.
- (f) Check post through which the forest produce will be exported.
- (g) Period acquired for export.

The Forest Officer may refuse to issue a permit if he has reason to believe that the forest produce has not been lawfully obtained or for any other reasons of which he will be sole judge.

11. The person incharge of the forest produce shall produce the permit for inspection of the officer incharge of the depot, or to any other forest officer on demand. Full particulars of the forest produce exported including permit No. and date will be recorded by the officer incharge of the check post in a register maintained for the purpose at each post. If the whole quantity mentioned in the permit reaches the depot in one lot or consignment the officer-incharge of the depot shall retain one copy of the permit and cancel it. He shall note on the permit the date of export and quantity exported and submit the same to the Divisional Forest Officer, Mandi and Suket Forest Divisions for check and record in their offices.

If the whole forest produce mentioned in the permit does not reach the depot in one consignment other than the last, note on the back of both copies the permit, the date, and quantity exported, returning the original permit to be presented again by the person incharge of the following consignments. On arrival of the final consignment has Forest Officer incharge of the depot will retain one copy of the permit cancel it and return it to the Divisional Forest Officer, Mandi and Suket after entering it into the register maintained for the purpose on check posts. The original permit similarly endorsed will

be retained by the exporter.

The Forest Officer in charge of the depots shall verify the quantities entered in the permit on the back of the pass and sign and date it. If the forest produce is not being exported in accordance with these rules or in accordance with the permit it shall be liable to enquire by any Forest Officer and the officer seizing the produce shall report the matter to the Divisional Forest Officer, without avoidable delay.

12. Himachal Pradesh Government may by a special order levy such fees in the export of forest produce as they deem necessary in their sole discretion.

13. Any Forest Officer or Police Officer may stop and examine the forest produce in transit in respect of which there are reasons to believe that any money is payable to the Government on account of the price thereof or if there be reasonable doubt of its being been acquired by illegal means such produce may be seized by such officer. The owner will have no claim to any damages by delay caused by such detention or any other cause whatsoever.

14. Any person who infringes any of these rules, shall without prejudice to any liability incurred under the provisions of section 52 to 56 of the Indian Forest Act, XVI of 1927 relating to seizure and confiscation, be liable to imprisonment of either description for a term which may be extended to six months or to a fine which may extend to five hundred rupees or both.

#### APPENDIX I

##### Form of permit

(Clause 9 of the Rules for the export of forest produce from.....Forest Division, Himachal Pradesh).

Book No.....Serial No.....  
Pass for export of forest produce from.....  
.....Forest Division.

1. Name and address of persons to whom is granted.....
2. Date on which issued.....
3. Check post through which the forest produce will be exported.....
4. Details of forest produce to be exported.....

Name	Description	Quantity or number
------	-------------	--------------------

5. Whence obtained.....

6. Place where the forest produce is..... to be carried.

7. Date of expiry of permit.....

Divisional Forest Officer,

.....Forest Division.

Name and particular of person or persons in charge of the forest produce.....

Signature or thumb impression of the person or persons to whom permit was issued.

By order,

A. B. MALIK, I. A. S.,  
Secretary.

#### INDUSTRIES DEPARTMENT

##### CORRIGENDUM

Simla-4, the 12th June, 1956

No. I&S. 53-39/53.—In this Department Notification of even number, dated the 2nd April, 1956, notifying the appointment of Shri P. L. Sarin as Assistant Director of Industries, please read "14th February, 1956", instead of "14th February, 1955".

A. B. MALIK,  
Secretary.

#### LAW DEPARTMENT

##### NOTIFICATION

Simla-4, the 15th June, 1956

No. LR. 1-2/55.—In partial modification and in continuation of Notification No. LR. 1-2/55, dated the 20th February, 1956 and in exercise of the power conferred to the Special Marriage Act, 1954 (Central Act 43 of 1954) the Lieutenant Governor, Himachal Pradesh is pleased to direct that the Himachal Pradesh Special Marriage Rules, 1955 be amended by inserting the following Rule 8A after Rule 8 :—

"8A. The marriage officer may for the purpose of satisfying himself that the parties to the intended marriage have completed the age specified in Section 4 (c), require them to produce with certificates or any other satisfactory evidence to prove their age".

By order,

B. D. SHARMA,  
Assistant Secretary (Judicial).

#### MEDICAL AND PUBLIC HEALTH DEPARTMENT

##### NOTIFICATIONS

Simla-4, the 12th June, 1956

No. M. 65-353/52.—Dr. K. Pandiya, Medical Officer, Sundernagar is granted 20 days' earned leave with effect from the date of its availing subject to the verification of title by Accountant General Punjab.

Simla-4, the 15th June, 1956

No. M. 61-116/50-II.—The temporary appointment of the following Officers of the V. D. Organization which expired on 29-2-1956 is hereby further extended upto 28th February, 1957 :—

- |                        |                       |
|------------------------|-----------------------|
| 1. Dr. J. M. Mohan.    | 6. Dr. G. L. Tuli.    |
| 2. Dr. Harsharan Dass. | 7. Dr. Paras Ram.     |
| 3. Dr. Hukam Chand.    | 8. Dr. S. S. Chauhan. |
| 4. Dr. V. P. Batta.    | 9. Dr. S. L. Arora.   |
| 5. Dr. B. N. Bhardwaj. |                       |

By order,

H. R. MAHAJAN,  
Assistant Secretary.

#### PUBLIC WORKS DEPARTMENT

##### NOTIFICATIONS

Simla-4, the 19th June, 1956

No. PW. 59-54/55-26314-16.—Shri S. M. Abbas Raza, Extra Assistant Director of Central Water and Power Commission whose services have been obtained by this State on Deputation as Assistant Engineer took over charge of Chamba North Irrigation Sub-Division on the 23rd May, 1956 forenoon.

Simla-4, the 19th June, 1956

No. PW. 13-9-1/51-26309-13.—In supersession of Notification issued vide this office No. PW-13-9-1/51-16781, dated 25th April, 1956, Shri N. L. Sharma, Assistant Engineer, Mahasu Sub-Division availed 15 days leave with effect from 2nd May, 1956 to 17th May, 1956 inclusive.

G. R. NANGEA,  
Secretary.

## REVENUE DEPARTMENT

## NOTIFICATIONS

Simla-4, the 14th June, 1956

No. R. 60-15/56.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh, that land is likely to be required to be taken by the Government at the public expense for a public purpose, namely for the construction of Co-operative Godown at Theog, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

2. This notification is made under the provisions of Section 4 of the Land Acquisition Act, 1894, as applied to Himachal Pradesh to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested who has any objection to the acquisition of any land in the locality may, within thirty days of the publication of this Notification file an objection in writing before the Collector of Mahasu district, Kasumpti.

## SPECIFICATION

District : MAHASU Tehsil : THEOG

Village	Khasra No.	Area	
		Big.	Bis.
1	2	3	4
SHALI	209/31/1	0	18

Simla-4, the 14th June, 1956

No. R. 60-4/56.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh, that the land is required to be taken by the Government at public expense for a public purpose, namely for magazine in village Jamta, Tehsil Nahan, District Sirmur, it is hereby declared that the land described in the specification below is required for the above purpose.

2. This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, to all whom it may concern, and under the provisions of Section 7 of

the said Act, the Collector, Land Acquisition, Himachal Pradesh, P.W.D., is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, P.W.D., Himachal Pradesh, Kennedy House, Simla.

## SPECIFICATION

District : SIRMUR Tehsil : NAHAN

Village	Khasra No.	Area	
		Big.	Bis.
1	2	3	4
JAMTA	178/1	1	6

Simla-4, the 14th June, 1956

No. R. 60-150/55.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh, that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Nahan-Dadahu Road, it is hereby declared that the land described in the specification below is required for the above purpose.

2. This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern, and under the provisions of Section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh, P. W. D., is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh, P.W.D., Kennedy House, Simla.

## SPECIFICATION

District : SIRMUR Tehsil : NAHAN

Village	Khasra No.	Area	
		Big.	Bis.
1	2	3	4
UNKHADRI	2/1	17	9
	17/1	23	0
Total		40	0

By order,  
BASANT RAI,  
Assistant Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

## FOREST DEPARTMENT

## NOTIFICATION

Simla-4, the 14th June, 1956

No. Ft. 43-92/50.—After completion of training at Soil Conservation Research Demonstration and Training

Centre, Dehra Dun, Shri H. P. Sharma, P.F.S. II, is posted as Officer on Special Duty in the office of the Chief Conservator of Forests, Himachal Pradesh, Simla-4, with effect from the 6th June, 1956.

G. S. SINGH,  
Chief Conservator.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के उपराज्यपाल, जुडिशल कमिशनरज कोर्ट, फाइनेन्शल कमिशनर, कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि।

शून्य



## भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटीफाइड और टाउन एरिया तथा पंचायत विभाग

## LOCAL SELF GOVERNMENT

## NOTIFICATION

Simla-4, the 29th May, 1956

No. LR. 62-10/54.—In exercise of the powers conferred by sections 51 and 52 of the Punjab Small Towns Act, 1921, as applied to Himachal Pradesh and in supersession of the rules published *vide* this Government notification No. LR-62-10/54, dated the 10th March, 1954, the Lieutenant Governor, Himachal Pradesh, is pleased to make the following rules for the Small Town in the Districts of Mandi, Chamba, Sirmur and Mahasu.

## RULES

## PART I

1. **Short title.**—(1) These rules may be called the Town Committee Election Rules, 1956.

(2) They shall come into force for the purposes of the next general elections to Town Committees.

(3) Any appointment, notification, order, scheme, or form made or issued under the superseded rules shall, so far as it is not inconsistent with the provisions reframed, shall continue in force, and be deemed to have been made or issued under the provisions so reframed, unless and until it is superseded by any appointment, notification, order, scheme, or form made or issued under the provisions so reframed.

2. **Definitions.**—In these rules unless there is anything repugnant in the subject or the context—

(a) "Constituency" means a class or ward, for the representation of which a member or members is or are to be or has or have been elected under these rules.

(aa) "Gazetted Officer" means a Government servant belonging to any All-India Specialist or State Service or any other Government servant holding a post which may have been declared by competent authority to be a gazetted post.

(b) "Newly-constituted Committee" means a committee of which the members have been elected at a general election or appointed about the time of a general election, but have not yet taken their seats.

(c) "Oath or allegiance" means the oath or affirmation of allegiance prescribed by section 4-A of the Act.

(d) "Roll" means the roll of persons entitled to vote at an election under these rules.

(e) "The Act" means the Punjab Small Towns Act, 1921, as applied to Himachal Pradesh.

(f) "Treasury" means a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over.

(g) "Scheduled Castes" mean such castes, races or tribes, or parts or groups within such castes, races or tribes as have been specified under Article 341 of the Constitution of India, to be Scheduled Castes.

(h) "Agent" means any person appointed in writing by a candidate at an election to be agent for the purposes of these rules, with the acceptance in writing by such person of the office of such agent.

3. Every small town shall be divided into two or more wards which shall be scheduled by notification under section 4 of the Act.

4. **General Election, to be held on dates fixed by the Deputy Commissioner.**—(1) The Deputy Commissioner shall frame a programme for general elections hereinafter referred to as the "election programme" of the Town Committee.

(2) The election programme shall specify the date or dates on, by or within which—

(i) the nomination papers shall be presented;

(ii) the nomination papers shall be scrutinized;

(iii) a candidate may withdraw his candidature;

(iv) the list of valid nomination papers shall be posted;

(v) application for the revision of the orders of the authority scrutinizing the nomination papers may be made to the Deputy Commissioner;

(vi) the revision application shall be decided;

(vii) the list of polling stations shall be posted;

(viii) the polling shall be held;

(xi) the ballot-papers shall be counted; and

(x) the result of election shall be declared.

(3) The election programme shall be published not less than ten days before the first of the dates specified in the election programme, by posting a copy at the office of the Deputy Commissioner; at the office concerned of the Town Committee; and at other conspicuous places in the said Small Town as may be determined by the Deputy Commissioner in this behalf.

(4) The State Government or the Deputy Commissioner may by an order amend, vary or modify the election programme at any time:

Provided that, unless the State Government otherwise directs, no such order shall be deemed to invalidate any proceedings taken before the date of the order.

5. **Qualifications of voters.**—\*[(a) Subject to the provisions of Rule 7, no person shall be entitled to vote unless the name of such person is included in the electoral rolls for the Legislative Assembly of the State of Himachal Pradesh in relation to the constituency concerned.

(b) If any doubt arises as to whether or not a person is entitled to vote in a constituency, the decision of the State Government or an Officer appointed by it in this behalf shall be final.]

6. **Disqualifications for membership.**—No person shall be eligible for election as and for being a member of a Town Committee, who—

(a) is not a qualified voter for any constituency of the Town Committee under rule 5, and has not attained the age of 25 years; or

(b) in the case of a seat reserved for the Scheduled Castes is not a member of any of the Scheduled Castes in relation to the State of Himachal Pradesh; or

(c) is under contract for work to be done for, or goods to be supplied to; the Town Committee; or

(d) receives any remuneration out of the Town Committee fund for services rendered to the Town Committee; or

(e) has, within five years from the date fixed for the nomination of candidates under the provision of rule 9 been proscribed from Government employment; or

(f) has at any time within five years from the date specified for the nomination of candidates under the provisions of rule 9 been serving a sentence of imprisonment for not less than two years; or

(g) is an undischarged insolvent; or

(h) is a whole-time salaried official in the service of any Municipal Committee, Notified Area Committee, Town Committee or Cantonment Board; or holds any office of profit under the Government of India or the Government of any State other than an office declared by the Legislature of the State by law not to disqualify its holder for being chosen as and for being a member of the Legislative Assembly of the State; or

\*[ ] Substituted by Punjab Government notification No. 2466-LB-53/20353, dated the 28th March, 1953.

- (i) except in case of disqualification as a result of removal from membership of any Municipal, Town or Notified Area Committee or Cantonment Board, or who is disqualified for such membership as a result of his election having been set aside under these rules; or
- (j) is disqualified for membership of any Municipal, Town or Notified Area Committee or Cantonment Board, as a result of removal from such board or committee or as a result of his election for membership of such board or committee having been declared void for corrupt practices; or
- (k) has at any time within five years from the date fixed for the nomination of candidates under the provisions of rule 9 been convicted of an offence under section 171-E or 711-F of the Indian Penal Code, or having been disqualified from exercising any electoral right for a period of not less than five years in connection with an election of the State Legislature is, on the said date of nomination, still subject to the disqualification:

Provided that the Himachal Pradesh Government may exempt any person or class of persons from the disqualification contained in clauses (c), (d), (e), (f), (g), (i), or (j) of this sub-rule:

\*[6-A. No person shall vote in more than one constituency or stand for election in more than one local authority, and in case of his voting or standing otherwise his votes or candidatures, as the case may be, shall be void.

*Explanation.*—In this rule the expression 'local authority' shall mean a Municipal Committee, or a Town Committee, or a Notified Area Committee.]

7. **Rolls.**—The roll of each constituency of a Small Town shall be the finally published electoral roll for the State Legislative Assembly of Himachal Pradesh in relation to the said constituency operative at the time when the Deputy Commissioner frames election programme under rule 4 unless otherwise directed by notification by the State Government in this behalf.

8. **Notification of symbols.**—(1) The State Government shall by notification in the official Gazette publish a list of symbols and may in like manner add to or vary such list.

(2) In each constituency every nomination paper delivered under rule 10 shall also be accompanied by a declaration in writing specifying the particular symbol which the candidate has chosen for his first preference, out of the list of symbols, for the time being in force under sub-rule (1) and also specifying two other symbols out of that list which he has chosen for his second and third preferences respectively:

Provided that the choice to be made by a candidate under this sub-rule shall be subject to such restrictions as the State Government may think fit to impose in that behalf.

9. **Dates to be fixed for nomination of candidates and scrutiny of nominations.**—The Deputy Commissioner shall \*[ ] by notices posted at his office and at the offices of the Committee and at such other places as the Deputy Commissioner may determine—

- (1) invite nomination papers of candidates for election;
- (2) fix the date, time and place where and when the nomination papers shall be submitted;
- (3) specify the authority to whom nomination papers shall be submitted; and
- (4) fix the date and time and place for the scrutiny of nomination papers of candidates;

\*[ ] Inserted by Punjab Government notification No. 4750-LB-53/38066, dated the 1st June, 1953.

\*[ ] Omitted by Punjab Government notification No. 11969-LB-52/132, dated the 5th January, 1953.

*Explanation.*—The dates fixed under sub-rules (3) and (4) shall be the same as specified under rule 3 in this behalf.

10. **Nomination of candidates.**—(1) Any person not ineligible for membership of the Committee under the provisions of rule 6 or of any other rules or of the Act or of any other Act may be nominated as a candidate for election, provided that on or before the date specified for the nomination of candidates under the provisions of rule 9, between the hours of eleven o'clock of the forenoon and three o'clock of the afternoon or such other hours as the Deputy Commissioner may fix to suit local requirements he shall either in person or by his proposer or seconder or by a duly authorized agent appointed by authority in writing signed by him and, unless such agent is a legal practitioner, verified by a magistrate, sub-registrar of the registration department, lambardar or member of a local authority, deliver to the authority specified under rule 9 (3) or if it is absent, to any magistrate of the first class at such headquarters, a nomination paper completed in Form I appended to these rules and subscribed by the candidate himself as assenting to the nomination and by two persons as proposer and seconder whose names are included in the roll of the constituency concerned.

(2) In a constituency where a seat is reserved for the Scheduled Castes, no candidate shall be deemed to be qualified to be chosen to fill that seat unless his nomination paper is accompanied by a declaration verified by any of the authorities mentioned in sub-rule (1) that the candidate is a member of the Scheduled Castes for which the seat has been so reserved and the declaration specifies the particular caste of which the candidate is a member.

(3) No person shall subscribe as proposer or seconder a number of nomination papers greater than the number of members to be elected to represent the constituency in question, and if a person has subscribed, whether as proposer or seconder, a larger number of nomination papers than there are vacancies to be filled, only those of the papers so subscribed which have been first received up to the number of such vacancies shall be deemed to be valid.

(4) On the presentation of a nomination paper, the Deputy Commissioner shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer and seconder as entered in nomination paper are the same as those entered in the electoral rolls:

Provided that the Deputy Commissioner may—

- (a) permit any clerical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the electoral rolls, and
- (b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

11. **Deposits to be made by candidates.**—(1) Each candidate nominated under the provisions of rule 10 shall at or before the time of the delivery of his nomination paper deposit or cause to be deposited with the Deputy Commissioner or other officer to whom the nomination paper has been delivered under the provisions of sub-rule (1) of rule 10 or in the treasury or a sub-treasury the sum of fifty rupees, in cash or in Government Promissory Notes of equal value at the market rate of the day; and the nomination paper of a candidate shall not be deemed to have been duly presented unless such deposit has been made, provided that not more than one such deposit need be made by any candidate in respect of his candidature for any one constituency:

Provided that where the candidate is a member of the Scheduled Castes the amount to be deposited by him or on his behalf shall be rupees twenty-five.

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, withdraws his candidature within the time specified in rule 12, or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made, and if any candidate dies before the

commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(3) \* [If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected, and the number of votes polled by him does not exceed one-eighth of the total number of votes polled or, in the case of a constituency returning more than one member, one-eighth of the total number of votes polled divided by the total number of members to be elected, the deposit shall be forfeited to the Himachal Pradesh Government]

*Explanation.*—For the purpose of this sub-rule the number of votes polled shall be deemed to be the of number ballot-papers other than rejected ballot-papers counted.

(4) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is elected or is not elected the deposit shall, if it is not forfeited under sub-rule (3), be returned to the candidate or to the person, who has made the deposit in his behalf, as the case may be, as soon as may be, after the publication of the result of the election in the Gazette.

**12. Withdrawal of candidature.**—Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Deputy Commissioner or other person authorised by the Deputy Commissioner to receive such notices, before three o'clock of the afternoon or such other hours as the Deputy Commissioner may fix to suit local requirements on the date specified under rule 4 in this behalf, and no person who has thus withdrawn his candidature shall be allowed to cancel his withdrawal or to be renominated as a candidate for the same election in the same constituency.

**13. List of nominations to be posted.**—The Deputy Commissioner shall on the date specified under rule 4 in this behalf post at his office and at the municipal office lists of all the candidates whose nomination papers have been presented under rule 10, together with descriptions, similar to those contained in the nomination papers, of the candidates and of the persons who have subscribed the nomination papers as proposers or seconders.

**14. Candidates, etc., to be allowed to examine nomination papers.**—On the date fixed for the scrutiny of nomination under the provisions of rule 9 the candidates, one proposer and one seconder of each candidate and one other person for each candidate duly authorised in writing by such candidate and no other person may attend at such time and place as the Deputy Commissioner may appoint and all reasonable facilities shall be given to them for examining the nomination papers of all candidates whose names are included in the list of candidates whose names are included in the list of candidates posted under the provisions of rule 13.

**15. Scrutiny of nomination and decision of objections.**—(1) On the date fixed for the scrutiny of nominations under the provisions of rule 9, after facilities have been given for the examination of nomination papers under the provisions of rule 14\* the authority specified under rule 9\* shall examine the nomination papers of all candidates whose names are included in the list of candidates posted under the provisions of rule 13, and shall decide all objections made to any nomination, and shall either, on such objections or on his own motion after such summary enquiry, if any, as he may deem necessary, refuse any nomination if he is satisfied—

(a) that the candidate was on the date fixed for the nomination of candidates ineligible for election under the provisions of rule 6 or of any other rules or of the Act or of any other Act and had

not before that date been exempted by the Himachal Pradesh Government from any disqualification imposed upon him;

(b) that a proposer or seconder was not qualified to subscribe the nomination paper under the provisions of rule 10;

(c) that there has been any failure to comply with any of the provisions of rule 10 or rule 11;

(d) that the candidate or any proposer or seconder is not identical with the person whose number on the roll is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be;

(e) that the signature of any candidate or of any proposer or seconder is not genuine or has been obtained by force or by fraud:

Provided that nothing contained in clause (b), (c) or (e) of this sub-rule shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper, in respect of which no irregularity has been committed:

Provided further that no nomination shall be refused under clause (d) of this sub-rule if a summary enquiry is sufficient to establish the identity of the candidate, proposer and seconder with the persons who subscribed the nomination paper as such respectively.

(2) The authority mentioned in sub-rule (1) for the scrutiny of nomination papers shall endorse on each nomination paper his decisions accepting or rejecting it, and if he rejects it, he shall record in writing a brief statement of his reasons for so rejecting it.

(3) Any person aggrieved by any order passed by an authority under sub-rule (1) or sub-rule (2) may within the date specified under rule 4 in this behalf present in person or by counsel or by a duly authorised agent appointed by authority in writing signed by him and verified by a magistrate, sub-registrar of the registration department, lambardar or a member of a local authority, to the Deputy Commissioner an application for revision of such order.

(4) When any application for revision of an order has been submitted to the Deputy Commissioner, the Deputy Commissioner, or such other officer may, after hearing the applicant or his counsel, confirm such order, or, after sending by registered post notices to the candidates for election from the constituency concerned intimating the date on which such application will be heard, may on such date, after hearing any representation which the applicant and any other such candidate as may appear, may make, confirm such order or may set it aside and pass such other order as he may deem fit.

**16. Assignment symbols to candidates.**—(1) If in any constituency the number of validly nominated candidates exceeds the number of seats to be filled, the Deputy Commissioner shall before preparing a list of valid nominations under rule 17 consider the choice as respects symbols expressed by candidates in the declarations referred to in sub-rule (2) of rule 8 delivered by them along with their nomination papers, and shall subject to any general or special directions issued in this behalf by the State Government, assign a different symbol to each candidate in conformity as far as practicable with his choice. If more candidates than one indicate their preferences for the same symbol, the Deputy Commissioner shall decide by lot to which of those candidates the symbol will be assigned. The decision of the Deputy Commissioner in assigning any symbol to a candidate under this rule shall be final.

(2) In every case where a symbol has been assigned to a candidate under sub-rule (1), such candidate or his agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Deputy Commissioner.

\* [ ] Substituted by Punjab Government notification No. 4086-LB-53/35667, dated the 21st May, 1953.

\* Corrections made by Punjab Government notification No. 11923-LB-52/33727, dated the 16th December, 1952.

**17. List of valid nominations to be posted up.**—(1) On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under the provisions of rule 12, the Deputy Commissioner shall forthwith prepare lists of valid nominations and cause them to be posted up at some conspicuous place in his office and at the Municipal Office.

(2) The list to be posted under sub-rule (1) shall contain the names in alphabetical order and addresses of the validly nominated candidates as given in the nomination papers and indicate the symbols assigned to each candidate and in the case of an election in a constituency where the seats to be filled include one or more seats reserved for the Scheduled Castes, the list shall also indicate the names of candidates belonging to the Scheduled Castes by means of suitable distinguishing marks.

**18. Death of a candidate before the poll.**—If a candidate dies before the poll and after the date fixed for the nomination of candidates and his nomination is or has been accepted as valid by the authority specified under rule 9 for the scrutiny of nomination papers all proceedings with reference to the election of a member in the constituency or constituencies in which he was a candidate shall be commenced a new in all respects as if for a fresh election, provided that no fresh nomination shall be necessary in the case of a candidate whose name is entered on a list of valid nominations posted under the provisions of rule 17.

**19. Candidates deemed to be elected if their number is equal to or less than the number of vacancies.**—Subject to the provisions of rule 18, if the number of candidates validly nominated in any constituency is equal to or less than the number of members to be elected for such constituency, then such candidates shall be deemed to have been elected and if the number of such candidates is less than the number of members to be elected, the Deputy Commissioner shall frame another programme under rule 4 for the election of remaining members, and if the number of candidates validly nominated for such further election is less than the number of members to be elected, the Deputy Commissioner shall report the matter to the Government with a view to action being taken under clause (b) of section 4 of the Act.

**20. Poll to be taken if number of candidates is greater than number of vacancies.**—If the number of candidates validly nominated in any constituency is greater than the number of members to be elected for such constituency, a poll shall be taken on the date or dates specified under rule 4 in this behalf for the election.

**21. List of polling stations to be published and polling officers to be appointed.**—(1) The Deputy Commissioner shall select such number of polling stations as he may deem necessary, and shall on the date specified under rule 4 in this behalf post at his office and at the office of the committee a list showing the polling stations so selected, the polling area for which each such station has been selected and the hours during which each such station shall remain open for the recording of votes, and no person shall be permitted to record his vote except at the polling station of the area to which according to the roll he belongs and within the period for which the polling station remains open.

(2) The Deputy Commissioner shall appoint a presiding officer and polling officers for each polling station and such other persons (hereinafter referred to as polling assistants) to assist the presiding officer as he may deem necessary, and if before or at the time of the poll the presiding officer or the polling officer or polling assistant refuses to act or becomes incapable of acting as such, the Deputy Commissioner shall appoint another person to act as presiding officer or polling officer or polling assistant, as the case may be, and the Deputy Commissioner may at any time, if he thinks fit, appoint any other person so to act in place of any person previously appointed.

(3) The presiding officer shall, in addition to performing any other duties imposed upon him by these rules be in general charge of all arrangements at the polling station and may issue orders as to the manner in which

persons shall be admitted to the polling station and generally for the preservation of peace and order at or in the vicinity of the polling station.

**22. Material to be supplied at polling stations.**—(1) The State Government may direct that before any ballot paper is delivered to a voter at a polling station it shall be marked with such official mark as may be specified by the State Government in this behalf and the official mark so specified shall be kept secret.

(2) The Deputy Commissioner shall provide at each polling station as many ballot-boxes, ballot-papers as may be necessary, instruments for stamping the official mark on the ballot-papers when any direction in this behalf has been issued by the State Government and copies of the roll or such part thereof as contains the names of the electors entitled to vote at such station.

**23. The ballot-box.**—(1) There shall be a separate ballot-box for each one of the candidates and such ballot-boxes shall be so placed in the polling compartment that where an elector inserts a ballot-paper in any box no other person can see how he has voted. The symbol assigned to each candidate under sub-rule (2) of rule 16 shall be printed on labels which shall be posted both inside and outside a ballot-box and such ballot-box shall then be deemed to have been allotted to the same candidate to whom the symbol in question has been allotted. Each ballot-box or any of its component parts or attachments, shall also be marked with such other distinguishing mark or marks as the Deputy Commissioner may direct.

(2) Every ballot-box shall be marked with the name or number of the polling station at which it is to be used and shall be so constructed that ballot-papers can be introduced therein but cannot be withdrawn without the box being unlocked and the seal being broken.

(3) Outside and inside each polling station there shall be displayed prominently—

(a) a notice specifying the polling area the electors of which are entitled to vote at the polling station or, where the polling station has more than one polling booth, at each one of such booths or the description of the electors allotted to any such booth; and

(b) another notice giving the name of each candidate in the same language or languages and in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 18 together with the description of the symbol which has been assigned to each such candidate under sub-rule (2) of rule 16.

**24. Procedure before commencement of the poll.**—(1) The presiding officer at each polling station shall immediately before the commencement of the poll allow inspection of each ballot-box to be used at the poll to the candidates, their agents who may be present at such station, and demonstrate to them and to all other persons present that it is empty and that labels have been affixed both inside and outside, the box and the distinguishing mark or marks have been made in the box or in any of its component parts, or attachments in accordance with the provisions of sub-rule (1) of rule 23.

(2) Where it is necessary to use a paper seal for securing the ballot-box, the presiding officer shall thereafter fix in the space meant therefor in each such box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal and obtain thereon the signatures or seals of such candidates or of such election or polling agents of the candidates as may be present and may desire to affix such signatures or seals. He shall then secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot-papers therein remains open.

(3) Where it is not necessary to use a paper seal for securing a ballot-box, the presiding officer shall after complying with the provisions of sub-rule (1) secure and seal the box in such manner that the slit in the box



for insertion of ballot-papers therein remains open and shall also allow the candidates or their agents who may be present to affix their own seals on the space in the box meant therefor, if they so desire.

(4) The paper seal or the other seals used in a ballot-box shall be affixed in such manner that it shall not be possible to open the box again without breaking such paper seal or other seals, or any thread on which the other seals have been affixed. After all the ballot-boxes required to be used at the polling have been secured and sealed, they shall be placed in the polling compartment side by side in the same order in which the names of the candidates to whom such boxes have been allotted appear in the list of validly nominated candidates at the election published under rule 17 and in such manner that the front vertical side of each of the boxes bears a symbol assigned to the candidate to whom such box has been allotted and their agents shall be entitled to see before the commencement of the poll that the boxes are so placed in the polling compartment. No other receptacle or box besides the ballot-boxes allotted to the candidates shall be kept inside the polling compartment during polling.

**25. Voting to be in person and not by proxy.**—Voting shall be by ballot and every person wishing to record his vote shall do so in person and not by proxy, by means of a ballot-paper which shall contain a serial number and such official mark, if any, as may be specified under rule 22.

**26. Questions to be put to electors.**—At any time before a ballot-paper is delivered to an elector, the presiding officer or a polling assistant may of his own accord if he has reason to doubt the identity of the elector or his right to vote at the polling station, and shall, if so required by a candidate or his agent, put to the elector the following questions:—

- (a) Are you the person enrolled as follows (reading the whole entry relating to the elector from the roll)?
- (b) Have you already voted at the present election?
- (c) Such other questions as he may deem fit or necessary; and the elector shall not be supplied with a ballot-paper unless he answers the first question in the affirmative and the second question in the negative or he refuses to answer any other question put to him in pursuance of this rule.

**27. Special procedure for preventing personation of electors.**—(1) Subject to the other provisions of this rule, every elector who applies for a ballot-paper or ballot-papers for the purpose of voting at a polling station shall, before receiving such ballot-paper or papers, allow—

- (a) the inspection of his left fore-finger to the presiding officer or any polling officer; and
  - (b) an indelible ink mark to be put on his left fore-finger.
- (2) If any such elector—
- (a) refuses to allow such inspection of his left fore-finger; or
  - (b) persists in doing any act with a view to remove such mark after it has been put,
- he shall not be entitled to be supplied with any ballot-paper or to record his vote at the election.

(3) No person who already has a mark on his left fore-finger at the time he enters the polling station shall be supplied any ballot-paper, and if any such person applies for a ballot-paper or ballot-papers he shall be liable to be arrested and prosecuted for personation.

(4) Any reference in this rule or in rule 19 to the left fore-finger of an elector shall, in the case where the elector has his left fore-finger missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the fore-finger or any other finger of his right hand,

and shall, in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

**28. Procedure before recording of votes.**—(1) The elector on entering the polling station shall first allow his left fore-finger to be inspected by a polling officer for the purpose of ascertaining if he already has any mark of indelible ink on that finger. If there is no such mark, the polling officer in charge of the electoral roll shall ascertain the elector's name and address and such other particulars as appear on the roll and, after having checked these by reference to the roll, shall call out the number, name and description of the elector according to the entry in the roll.

(2) On the elector's name being called out the elector shall approach the polling officer in charge of the ballot-papers who shall then cause the left fore-finger of the elector to be marked with indelible ink and shall thereafter deliver a ballot-paper or the requisite number of ballot-papers to the elector. Before delivering the ballot-paper or papers the polling officer shall, where a direction has been issued in this behalf under sub-rule (1) of rule 22, stamp the ballot-paper or papers with such official mark as may have been specified under that rule. Such polling officer shall at the time of delivery of the ballot-paper or papers place against the serial number of the elector in the electoral roll a mark to denote that the elector has received a ballot-paper or papers and shall also keep a record of the serial number or numbers of the ballot-paper or papers supplied to the elector in such manner as the presiding officer may, subject to any general or special instructions issued in that behalf by the State Government, direct.

(3) In deciding the right of a person to obtain a ballot-paper under this rule, the presiding officer at any polling station may interpret an entry in the electoral rolls so as to overlook merely clerical or printing error provided that he is satisfied that such person is identical with the elector to whom such entry relates.

**29. Identification of electors.**—The presiding officer may employ at the polling station such persons as he thinks fit to assist him or any polling officer in identifying the electors.

**30. Manner of recording of votes after the receipt of ballot-papers.**—(1) In two-member constituencies, where one seat is reserved for a member of the scheduled caste each elector shall have two votes, but no elector shall give more than one vote to any one candidate.

(2) If an elector gives more than one vote to any one candidate in contravention of the provision of sub-rule (1), then at the time of counting of votes not more than one of the votes given by him to such candidate shall be taken into account and the other vote given by him to such candidate shall be rejected as void.

(3) On receiving the ballot-paper or papers the elector shall forthwith proceed into the polling compartment and shall without undue delay put his ballot-paper or papers through the slit provided for the purpose into the ballot-box or boxes of the candidate or candidates for whom he desires to vote.

(4) Every elector shall vote without undue delay and shall quit the polling station as soon as he has cast his vote. No elector shall remain in a polling compartment longer than is reasonably necessary for casting his vote.

(5) The presiding officer may, wherever there is in his opinion sufficient cause, enter the polling compartment while a poll is proceeding and may take such steps as may be necessary to ensure that the ballot-boxes in use remain ready for the reception of ballot-papers and are not tampered or interfered within any way by any elector or any other person. If the presiding officer has reason to suspect that any elector who has entered a polling compartment is tampering or otherwise interfering with any ballot-box or if such elector has remained inside the polling compartment for an unduly long period, the presiding officer shall enter such polling compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

**31. Recording of votes of infirm electors.**—If owing to blindness or other infirmity an elector is unable to read the symbol on a ballot-box or is physically incapable of putting the ballot-paper into a ballot-box, the presiding officer shall enter the polling compartment, with such elector, ascertain from the elector the candidate or candidates in whose favour he desires to vote and shall put dates in whose favour he desires to vote and shall put the ballot-paper or papers in the ballot-box or boxes of such candidates in accordance with the wishes of such elector. The presiding officer shall have this done with as much secrecy as is feasible and shall keep a brief record of each such instance without indicating the manner in which the votes have been cast.

**32. Tendered votes.**—If a person representing himself to be a particular elector named on the roll applies for a ballot-paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to cast a ballot-paper in the same manner as any other voter; such ballot-paper (hereinafter referred to as a tendered ballot-paper) shall be in Form II, and instead of being put into the ballot-box, shall be given to the polling officer and endorsed by him with the name of the voter and his number on the roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted; the name of the voter and his number in the roll and the name or number of the polling station to which the roll relates shall be entered in a list in Form III which shall bear the heading "Tendered Votes List"; the person tendering such ballot-paper shall sign his name and address thereon or affix his thumb-impression against the entry in the list, and if he affixes his thumb-impression the presiding officer shall sign his name across such impression.

**33. Challenged votes.**—(1) If any candidate or his agent declares and undertakes to prove, that any person by applying for a ballot-paper has committed the offence of personation, the presiding officer may require such person to state his name and address and shall then enter such name and address in the list of challenged votes in Form IV and shall require such person to sign such entry or, if he is unable to write, to affix his thumb-impression thereto and the presiding officer shall sign his name across such impression and may further require such person to produce evidence of identification:

Provided that no action shall be taken by the presiding officer under this sub-rule unless a sum of ten rupees has been deposited in cash with the presiding officer by the candidate or such agent for each challenge he makes.

(2) If the person so challenged refuses to comply with such requisition he shall not be permitted to vote. But if such person does so comply and on being questioned in the manner provided in rule 26 answers the first question in the affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule, and if having been required to produce evidence of identification he produces evidence which the presiding officer considers satisfactory he shall be allowed to vote after he has been informed of the penalty for personation.

(3) If the presiding officer after such inquiry on the spot as he thinks necessary, is of opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to Government and his order in this respect shall be final.

(4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The presiding officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of Challenged Votes.

**34. Spoilt ballot-papers.**—A voter who has inadvertently dealt with his ballot-paper in such a manner that it cannot conveniently be used as a ballot-paper may, after

delivering such ballot-paper to the presiding officer and satisfying him of such inadvertence, obtain another ballot-paper in place of the spoilt paper, and the latter shall be marked as cancelled.

**35. Return of ballot-paper by an elector.**—(1) If an elector after obtaining any ballot-paper for the purpose of recording his vote decides not to use the same, he shall return the ballot-paper to the presiding officer, and the ballot-paper so returned shall then be marked as "Cancelled—returned" and kept in a separate envelope set apart for the purpose and a record shall be kept by the presiding officer of all such ballot-papers.

(2) If any ballot-paper which has been issued to any elector for the purpose of recording his vote has not been put into the ballot-box but has been left by the elector at the polling station it shall be dealt with in accordance with the provisions of sub-rule (1) as if it had been returned to the presiding officer.

**36. Closing of polling station.**—(1) The presiding officer shall on each day on which polling is to take place close the polling station at the hour appointed under the provisions of sub-rule (1) of rule 21 and no elector shall be admitted thereto after that hour, but all electors present at the place fixed for the poll before it is so closed shall be entitled to have their votes recorded:

Provided that if for any reason it was not possible to open the polling station at the hour appointed under the provisions of sub-rule (1) of rule 21, or if by reason of disorder at the polling station, or for any other polling for a certain time, the presiding officer shall keep the polling station open for a further period equal to the period that elapsed between the hour appointed for the opening of the polling station and the hour at which it was actually opened or the time during which polling was stopped as the case may be.

(2) If polling is to take place on more than one day at any polling station in respect of the election in any one constituency the presiding officer shall in the presence of any candidates or their agents who may be present close the slit for insertion of ballot-paper of each ballot-box or where a box does not contain any mechanical lever for closing the slit, seal up the slit and seal and secure the ballot-boxes used at the polling station during the day and shall then hand over to the officer-in-charge of the police station for safe custody.

(3) Immediately after the close of polls at a polling station and before commencement of counting of votes contemplated in rule 38 is taken up, the presiding officer shall prepare an account of ballot-papers in Form V showing total number of ballot-papers received, issued and unissued including tendered and also the number of ballot-papers those should be found in the ballot-boxes. This account shall be forwarded to the Deputy Commissioner along with the packets stated in rule 42.

**37. Fresh poll in the case of destruction of ballot-boxes.**—(1) If at any election any ballot-box or boxes is or are unlawfully taken out of the custody of the presiding officer or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost, the election to which such ballot-box or boxes relate shall be liable to be declared as void, but only in respect of the polling at the polling station or stations provided for the poll as the case may be, at which such ballot-box or boxes was or were used and no further.

(2) When ever the polling at any polling station or stations or at the place fixed for the poll shall be liable to be declared as void under sub-rule (1), the presiding officer shall, as soon as practicable after the act or event causing such voidance has come to his knowledge, report the matter to the Deputy Commissioner, who, in the event of his being so satisfied, declare the election void and shall appoint a day for the taking of a fresh poll in such or every such polling stations or in such place fixed for the poll and fix the hours during which the poll will be taken and shall not count the votes cast at such election until such fresh polls have been completed.



(3) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

**38. Counting of votes.**—(1) On the date specified under rule 4 in this behalf, the presiding officer in the presence of the polling officer and of such candidates or their agents, if any, as may be in attendance shall with respect to ballot-boxes used at the poll where the poll is completed in one day proceed as follows:—

- (i) All the ballot-boxes placed for the counting of votes shall be counted and checked and the presiding officer shall satisfy himself that all the ballot-boxes used at the poll have been received and accounted for.
- (ii) All the ballot-boxes allotted to each particular candidate shall be separated from those allotted to any other candidate and placed together.
- (iii) The presiding officer shall then allow the candidates and their agents present at the counting an opportunity to inspect the ballot-boxes and their seals for satisfying themselves that they are in order.
- (iv) If the presiding officer is satisfied that all the ballot-boxes used at the poll have been received and are in order, he shall take up the counting of ballot-papers contained in the ballot-boxes. The counting of all the ballot-papers, contained in ballot-boxes allotted to the same candidate shall be completed before the counting of the ballot-papers contained in the ballot-boxes allotted to any other candidate is commenced. As amongst the candidates, the counting of votes shall proceed in the order in which their names occur in the list of validly nominated candidates published under rule 17 in respect of the election.
- (v) One ballot-box shall be opened at a time and the mark or marks made in the box or in any of its component parts or attachments and the label containing the symbol affixed inside the box shall be checked. Thereafter the ballot-papers shall be taken out from the box and arranged in convenient bundles and counted with the aid of persons appointed to assist in the counting of votes. The same procedure shall then be followed in respect of the other ballot-boxes and the ballot-papers contained therein. An account of the ballot-papers found in each box allotted to each candidate shall be recorded in a statement in Form VI.
- (vi) The presiding officer shall allow the candidates and their agents who may be present reasonable opportunity to inspect all ballot-papers, which in the opinion of the presiding officer are liable to be rejected but shall not allow them to handle those or any other ballot-papers. The presiding officer shall on every ballot-paper which is rejected, endorse the word "rejected". If any candidate or his agent questions the correctness of the rejection of any ballot-paper, the presiding officer shall also record briefly on such ballot-paper the grounds for its rejection. A brief record shall be kept in Form VII of the serial numbers of all ballot-papers rejected and of such particulars as will identify the ballot-box in which each such ballot-paper was found.
- (vii) After the counting of all ballot-papers contained in each ballot-box has been completed by the presiding officer and an account of such ballot-papers has been recorded in Form VII, the presiding officer shall cause all such ballot-papers to be kept in a separate cover on which shall be indicated such particulars as will identify the ballot-box in which such ballot-papers were found, the name of the candidate to whom such ballot-box was allotted, and the name of the polling station and the number of the polling booth, if any where such ballot-box was used.

(viii) In cases where there are more than one polling station in one constituency and the counting of ballot-papers contained in all the ballot-boxes has been completed, the Deputy Commissioner shall cause all the covers containing the ballot-papers in support of each candidate to be placed in a separate packet and shall seal up all such packets and shall write on each such packets the name of the candidate in support of whom the ballot-papers contained in such packet were cast and the name of the constituency and the date of election to which it refers. He shall also cause all the covers of the ballot-papers found in the ballot-boxes of each candidate but rejected to be kept in a separate sealed packet.

(2) The Presiding Officer shall as far as practicable proceed continuously with the counting of the votes and shall during any intervals when the counting has to be suspended, keep the ballot-papers, packets and other documents relating to the election sealed with his own seal and the seals of such candidates or agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody.

(3) A ballot-paper contained in a ballot-box shall be rejected if—

- (a) it bears any mark or writing by which the elector can be identified;
  - (b) in the case where a direction has been issued under rule 22 that the ballot-paper shall contain an official mark, it does not contain the official mark;
  - (c) if it bears any serial number or mark different from the serial numbers or marks of ballot-papers authorised for use at the polling station or the polling booth at which the ballot-box in which it was found was used;
  - (d) the Presiding Officer is satisfied that it is a spurious ballot-paper or that it has been so damaged or mutilated that its identity as a genuine ballot-paper cannot be established;
  - (e) If the Presiding Officer is satisfied that an elector has put into the same ballot-box both the ballot-papers given to him in contravention of rule 30(1) he shall reject one of such ballot-papers at the time of counting the ballot-papers.
- (4) The procedure laid down in sub-rules (1), (2) and (3) above shall, when the polls spread over for more than one day in one constituency, be followed by the Deputy Commissioner or any other officer appointed by him in this behalf.

**39. Declaration of results and procedure in case of a tie.**—When the counting of votes has been completed, the Deputy Commissioner or any other officer appointed by him in this behalf shall forthwith declare the result in the following manner unless otherwise directed by the State Government :—

- (a) The candidate who is found to have obtained the largest number of valid votes or, if more than one member is to be elected for the constituency, the candidates up to the number of members to be elected who are found to have obtained the largest number of valid votes, shall be declared to have been elected.
- (b) In a constituency where the seats to be filled include one or more seats reserved for the Scheduled Castes (hereinafter referred to as "reserved seats") the candidates who, being qualified to be chosen to fill the reserved seats, have secured the largest number of valid votes to be duly elected to fill the reserved seats shall be declared first, and then such of the remaining candidates as have secured the largest number of valid votes to be duly elected to fill the remaining seats shall be declared.
- (c) If, after the counting of votes tie is found to exist between any candidates, and the addition

of one vote will entitle any of those candidates to be declared elected, that shall forthwith be decided between those candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.

**40. Preparation of return.**—When counting of votes has been completed and the result has been declared under rule 39, the Deputy Commissioner or any other officer appointed by him in this behalf shall forthwith prepare a return showing the names of the candidates the number of votes recorded for each and the names of the candidates declared to have been elected and shall forthwith post a copy of the return in a conspicuous place at his office and shall within one week forward the names of the elected candidates together with the names deemed to have been elected under the provisions of rule 19 to the Government with a view to their election being notified in the Gazette.

**41.** If any person is elected in more than one constituency he shall by notice in writing signed by him and delivered to the Deputy Commissioner within three days of the publication of the election in the Gazette choose for which of those constituencies he shall serve. If he does not deliver such notice within the time prescribed the Deputy Commissioner shall within six days from the date of the publication, of the election declare for which constituency he shall serve. Such choice or declaration as the case may be shall be conclusive. The provisions of rule 44 shall apply to the resulting vacancy or vacancies in the constituency or constituencies not chosen or declared.

**42. Election papers to be forwarded to the Deputy Commissioner.**—The Presiding Officer shall seal up in separate packets, on the outside of which shall be endorsed a description of their contents, and forward to the Deputy Commissioner—

- (a) the ballot-papers counted as valid;
- (b) the ballot-papers rejected as invalid;
- (c) the unissued ballot-papers;
- (d) the issued tendered ballot-papers;
- (e) the unissued tendered ballot-papers;
- (f) the spoilt ballot-papers;
- (g) the marked copy of the roll;
- (h) the cancelled—returned ballot-papers;
- (i) the tendered votes list;
- (j) the list of challenged votes; and
- (k) account of ballot-papers.

**43. Custody of election papers.**—(1) The Deputy Commissioner shall retain the packets forwarded to him under the provisions of rule 42 in his custody until the expiry of one year from the date of the election and shall then, subject to any direction to the contrary made by the Himachal Pradesh Government or a competent court or a person or persons appointed to hold an enquiry into an election under Part II of these rules, cause them to be destroyed.

(2) Any candidate may apply to the Deputy Commissioner for a copy of the entries made in the list of Tendered Votes or in the list of Challenged Votes and such copy shall be supplied in accordance with the rules governing the supply of copies.

**44.** When a vacancy occurs among the elected members of a Committee by the death, resignation or removal of any member and a new member has to be elected in his place in accordance with the provisions of section 8 of the Act, such election shall be conducted in the manner prescribed in these rules for a general election and the programme of the election shall be framed as soon as may be convenient, after the occurrence of the vacancy and the electoral roll in force under the provisions of rule 7 shall be deemed to be the electoral roll for the purpose of holding the election.

**45. Appointment of officers to perform functions of the Deputy Commissioner.**—If on account of illness, absence from headquarters or any other reason the Deputy Commissioner is unable to perform any of his functions under these rules, he may by order in writing appoint any Assistant Commissioner or Extra Assistant Commissioner to perform such functions on his behalf.

**46. Final authority for interpretation of these rules.**—If any question arises regarding the interpretation of these rules otherwise than in connection with an election petition which has actually been presented, it shall be referred by the person interested or the official concerned to the Deputy Commissioner, who, if he thinks fit, may refer it, to the Himachal Pradesh Government whose decision shall be final.

## PART II

**47. Definitions.**—In this part unless there is anything repugnant in the subject or the context—

(a) "Corrupt practice" means—

- (i) Bribery, that is to say, any gift, offer or promise by a candidate or his agent or by any other person with the connivance of a candidate or his agent, of any gratification to any person who-soever, with the object, directly or indirectly, of inducing—
  - (a) a person to stand or not to stand as, or to withdraw from being a candidate at an election; or
  - (b) an elector to vote or refrain from voting at an election, or as a reward to—
    - (i) a person for having stood or not stood, or for having withdrawn his candidature; or
    - (ii) an elector for having voted or refrained from voting.

*Explanation.*—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of employment for reward, but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election.

- (ii) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right:—

Provided that—

- (a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who—
  - (i) threatens any candidate, or any elector, or any person in whom a candidate or any elector is interested with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or
  - (ii) induces or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested, will become or will be rendered, an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;
- (b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.
- (iii) The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a ballot-paper in the name of any other person,

whether living or dead, or in a fictitious name, or by a person for a ballot-paper in his own name when, by reason of the fact that he has, already voted in the same or some other constituency he is not entitled to vote.

- (iv) The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, or any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.
- (v) The removal of a ballot-paper from the polling station during polling hours by a candidate or his agent, or by any other person with the connivance of a candidate or his agent.
- (vi) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the connivance of a candidate or his agent for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

**Explanation.**—In this clause the expression "vehicle" means any vehicle used of capable of being used for the purpose of road transport, whether propelled by mechanical power otherwise, and whether used for drawing other vehicles or otherwise.

- (vii) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the connivance of a candidate or his agent, any assistance for the furtherance of the prospects of the candidate's election from any person serving under the Government of India or the Government of any State or any local authority other than the giving of vote by such person.

**Explanation.**—A person serving under the Government of the State of Himachal Pradesh shall include a patwari, a chaukidar, daffadar, lambardar, or any other village officer employed in that State, whether the office he holds is a whole-time office or not, but shall not include any person (other than any such village officers as aforesaid) who has been declared by the State Government to be a person to whom the provisions of this clause shall not apply.

- (viii) Any act specified in clauses (i) to (vii) above, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.
- (ix) The application by a person at an election for a ballot-paper in the name of any other person, whether living or dead, or in a fictitious name, or for a ballot-paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

- (x) The receipt of, or agreement to receive, any gratification whether as a gift or a reward—

- (a) by a person for standing or standing as, or for withdrawing from being a candidate; or
- (b) by any person whatsoever for himself or any other person for voting or refraining from voting or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

**Explanation.**—For the purposes of this clause the term "gratification" has the same meaning as it has for the purposes of clause (1).

- (xi) (a) The systematic appeal to vote or refrain from voting on grounds of caste, race, community or religion or use of, or appeal to, religious and national symbols, such as, the national flag and the national emblems, for the furtherance of the prospects of a candidate's election.

- (b) "candidate" means a person who has been nominated as a candidate at any election and includes a person, who, when an election is in contemplation, holds himself out as a prospective candidate thereat and is subsequently nominated as a candidate at such election;

- (c) "election" means the election of a member of a Town Committee;

- (d) "elector" means a person whose name is registered on the roll of the constituency against the return of a candidate to represent which a petition is presented.

- (e) "material irregularity" in the procedure of an election includes any such improper acceptance or refusal of any nomination or improper reception or refusal of a vote or reception of any vote which is void or non-compliance with the provisions of the Act or of the rules made thereunder, or mistake in the use of any form annexed thereto as materially affects the result of an election.

**48. Election not to be questioned except by petition.**—No election shall be called in question except by an election petition presented in accordance with these rules.

**49. The election petition.**—(1) An election petition against the return of a candidate at a Small Town election or against an unsuccessful candidate with a view to his disqualification under rule 63 on the ground of a corrupt practice or material irregularity in the procedure shall be in writing, signed by a person who was a candidate at the election or by not less than five electors and the petitions shall be presented to the Deputy Commissioner or an Assistant Commissioner or Extra Assistant Commissioner appointed by the Deputy Commissioner in this behalf within 14 days after the day on which the result of the election was declared, provided that the limit of fourteen days prescribed by this rule may be extended by the Deputy Commissioner if there are in his opinion sufficient grounds for such extension.

(2) The petitioner shall enclose with the petition copies of the petition and of its enclosures equal to the number of respondents.

**Explanation.**—For the purpose of this rule in a constituency in which a candidate is deemed to be elected under the provisions of rule 19 the day on which the list of valid nomination is posted under the provisions of sub-rule (1) of rule 17 shall be deemed to be the day on which the result of the election was declared.

**50. Contents of the petition.**—(1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively, and shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any corrupt practice and the date and place of the commission of each such practice.

(3) The commission may upon such terms as to cost and otherwise as it may direct at any time allow the particulars included in the said list to be amended or order such further and better particulars in regard to any matter referred to therein to be furnished as may, in its opinion, be necessary for the purpose of ensuring fair and effectual trial of the petition; provided that particulars as to any additional corrupt practice not contained in the said list shall not be added by means of any such amendment.

**51. Deposit to be made when petition is presented and return of deposit.**—(1) At the time of, or before presenting an election petition, the petitioner or petitioners shall deposit in the treasury or a sub-treasury two hundred and fifty rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for all cost that may become payable by him or them.

(2) If a petitioner by whom the deposit referred to in sub-rule (1) has been made withdraws his election petition as provided in rule 56 and in any other case after final orders have been passed on the election petition, the deposit shall, after such amount as may be ordered to be paid as costs, charges and expenses has been deducted, be returned to the petitioner by whom it was made; and if the petitioner dies during the course of the enquiry into the election petition, any such deposit, if made by him, shall, after the amount of such costs as may be ordered to be paid have been deducted, be returned to his legal representative.

(3) All applications for the refund of a deposit shall be made to the Deputy Commissioner who shall pass orders thereon in accordance with these rules.

**52. Petition to be forwarded to Government.**—The Deputy Commissioner shall forward every election petition received by him under rule 49 to the Himachal Pradesh Government.

**53. Petition to be dismissed for non-compliance with rules.**—If any of the provisions of sub-rule (1) of rule 49 or rule 51 have not been complied with, the Himachal Pradesh Government shall pass an order dismissing the election petition and such orders shall be final.

**54. Persons to be appointed for enquiry into a petition.**—

(1) If the election petition is not dismissed under rule 53, the Himachal Pradesh Government shall appoint a person or persons, hereinafter referred to as the Commissioner, to hold an enquiry into the allegations made in the election petition.

(2) The Himachal Pradesh Government may appoint a person by name or by office to be a Commissioner under this rule and if a person is appointed by virtue of his office the person for the time being holding the office shall be the Commissioner unless the Himachal Pradesh Government shall otherwise direct.

(3) If a vacancy occurs in a Commission by reason of a death, transfer, resignation or any other cause, the Himachal Pradesh Government may make a fresh appointment as provided by clause (2) of this rule.

(4) If on the application of any party to an election petition Himachal Pradesh Government is satisfied that there are reasonable grounds for the transfer of a case from the Court of the Commission appointed to hear the election petition, it may make a fresh appointment as provided by sub-rule (2) above.

(5) A change of incumbency in the Commission whether by reason of death, transfer, resignation or any other cause shall not invalidate any previous or subsequent proceedings in any matter pending before it, nor shall it be necessary for a Commission on account of

such change to recommence any enquiry into any matter pending before it for disposal.

(6) The Commission shall cause to be served on each respondent a notice of the presentation of the petition together with a copy of the petition, and shall summon each respondent and in his presence or if he fails to be present or in person or by counsel after summons has been duly served upon him or in his absence shall make an enquiry regarding the corrupt practices or irregularities alleged to have been committed.

**55. Place and procedure of enquiry.**—(1) The enquiry shall be held in a place to which the public have free access and notice of the time and place of enquiry shall be given to the parties not less than seven days before the first day of the enquiry.

(2) The place of enquiry shall be within the Small Town, provided that the Commission may on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere, appoint some other convenient place for the enquiry.

(3) Subject to the provisions of these rules every election petition shall be enquired into as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits provided that if the Commission consists of more than one person it shall only be necessary for it to make or cause to be made a memoranda of the substance of the evidence of any witness and provided further that a Commission may dismiss an election petition for default.

**56. Withdrawal of petition.**—(1) An election petition may be withdrawn only by leave of the Commission or if an application for withdrawal is made before any Commission has been appointed by the Himachal Pradesh Government.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made to the Commission notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published by being posted at the office of the Deputy Commissioner and at the Small Town office.

(4) No application for withdrawal shall be granted if in the opinion of the Himachal Pradesh Government on of the Commission as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall where the application has been made to the Commission be ordered to pay the costs of the respondent thereto for incurred or such portion thereof as the Commission may think fit;

(b) notice of the withdrawal shall be published by being posted at the office of the Deputy Commissioner and at the Small Town office;

(c) any person who might himself have been a petitioner may, within fourteen days from the date of such publication, apply to be substituted as petitioner in place of the party withdrawing and, upon compliance with the conditions of rule 51 as to the security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Himachal Pradesh Government or the Commission may think fit.

(6) When an election petition is allowed by the Commission to be withdrawn the file of the proceedings shall be forwarded to the Himachal Pradesh Government for information.

**57. Abatement or substitution on death of petitioner.**—(1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.



(2) Notice of the abatement of an election petition shall be published by the Commission or, if the petition abates before any Commission has been appointed, by the Himachal Pradesh Government by being posted at the office of the Deputy Commissioner and at the Small Town office.

(3) Any person who might himself have been a petitioner, may, within fourteen days from the date of such publication, apply to be substituted as petitioner, and, upon compliance with the condition of rule 51 as to security shall be entitled to be so substituted and to continue the proceedings upon such terms as the Himachal Pradesh Government or the Commission as the case may be, may think fit.

**58. Abatement or substitution on death of respondent.**—If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition the Commission shall cause notice of such event to be published by being posted at the office of the Deputy Commissioner and at the Small Town office, and thereupon any person who might have been a petitioner may, within fourteen days from the date of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commission may think fit.

**59. Grounds for declaring election void.**—(1) Save as hereinafter provided in these rules if in the opinion of the Commission—

- (a) the election of a returned candidate has been procured, or induced or the result of the election has been materially affected, by a corrupt practice, or
- (b) any corrupt practice specified in sub-clauses (i), (ii) or (iii) or (iv) of clause (a) of rule 47 has been committed, or
- (c) there has been any material irregularity, or
- (d) the election has not been a free election by reason of the large number of cases in which the corrupt practices specified in sub-clause (i) or (ii) of clause (a) of rule 47 have been committed by a candidate or an agent of a candidate or a person acting with the connivance of a candidate or such agent or any person who is not a candidate or an agent of such candidate or a person acting with the connivance of a candidate or such agent, the Commission shall report that the election of the returned candidate shall be deemed to be void.

(2) If the Commission reports that a returned candidate has been guilty by an agent of any corrupt practice which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commission further reports that the candidate has satisfied it that—

- (a) no corrupt practice was committed at such election by the candidate and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate, and
- (b) such candidate took all reasonable means for, preventing the commission of corrupt practices at such election, and
- (c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character and did not materially effect the result of the election, and
- (d) in all other respects the election was free from any corrupt practice on the part of such candidate, then the Commission may report that the election of such candidate should not be deemed to be void.

**Explanation.**—For the purpose of this sub-rule “treating” means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object directly or indirectly of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

**60. Report of Commission and procedure thereon.**—(1) At the conclusion of the enquiry the Commission shall report whether the returned candidate has in its opinion been duly elected, and in so reporting shall have regard to the provisions of rule 59.

(2) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commission to such person, and shall unless the Commission otherwise directs, be deemed to be part of the costs.

(3) The report of the Commission shall contain a definite finding regarding the amount of the costs that should, in the opinion of the Commission, be allowed and the parties by whom and to whom such costs should be paid and such particulars of the amount assessed as costs as are prescribed in the case of civil suits, shall be either specified in the Commission's report or attached to the report, in the form of a memorandum and the commission may recommend that interest on cost at a rate not exceeding six per cent per annum may be allowed and such interest may be added to the costs.

(4) Before submitting the report the Commission shall fix a date for the presence of the parties or their agents, and shall announce the substance of the report including the findings on the question of costs to each of the parties or their agents as may be present on that date.

**61. Findings as to corrupt practice and persons guilty.**—Where any charge is made in an election petition of any corrupt practice, the Commission shall record in its report—

- (a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or any agent of a candidate or with the connivance of any candidate or any such agent, and the nature of such corrupt practice, and
- (b) the names of all persons if any who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as the Commission may desire to make for the exemption of any such persons from any disqualifications to which they may have become liable in this connection under these rules.

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

**62. Commissioner to pass orders on the findings of the Commission.**—The Commission shall submit a report of its findings to the Government and on receiving it the Government shall pass orders either declaring the candidate duly elected or declaring the election void. Such orders shall be final and shall be notified in the Gazette.

Provided that the Government before passing final orders, may refer any point arising in any case to a Civil Court for opinion and the Civil Court shall deal with any case forwarded to it as nearly as may be according to the procedure applicable under the Code of Civil Procedure, 1908 to the hearing of the appeals.

**63. Persons guilty of corrupt practice may be declared ineligible for office on the Town Committee.**—If, as the result of an enquiry, it is established to the satisfaction of the Commissioner, that any person has been guilty of a corrupt practice other than a corrupt practice of the description referred to in sub-rule (2) of rule 59 and

committed in circumstances in which the Commission may under the provisions of the said sub-rule find that an election should not be deemed to be void, the Government may declare that such person shall be incapable of being elected or nominated to membership or to any office whether honorary or paid of any Town Committee for a period which may extend to five years: Provided that the period of disqualification fixed under this rule by any order of the H. P. Government may be reduced by order of the H. P. Government.

**64. Power to remand for further enquiry.**—The Government may remand any case for further enquiry to the Commission.

**65. Power of Government to order an enquiry.**—The H.P. Government may of its own motion direct an enquiry to be held into the conduct of any election if there is reason to suspect that a corrupt practice or material irregularity has been committed and the case shall be dealt with so far as may be in the manner prescribed in these rules.

**66. Fresh election to be held if an election is declared void.**—When as a result of any inquiry under these rules the election of a candidate is declared void, the Government shall direct that a new election shall be held:

Provided that if the Government has found that there has been a mistake in the counting of votes or in the declaration of invalid votes, and that but for that mistake some other candidate would have been declared successful, the Government may, instead of directing that a new election shall be held, declare that the candidate found to have obtained the largest number of valid votes shall be deemed to have been elected.

**67. Record to be forwarded to the Himachal Pradesh Government if a charge of corrupt practice is established.**—If in any case in respect of which the Government has passed orders a charge of corrupt practice is found to have been established, the Government may take such action under section 196 of the Code of Criminal Procedure as may be deemed necessary.

#### FORM I

[Rule 10 (1)]

##### Nomination paper

Name of Constituency \_\_\_\_\_  
 Name of candidate \_\_\_\_\_  
 Father's or husband's name \_\_\_\_\_  
 Age \_\_\_\_\_  
 Occupation \_\_\_\_\_  
 Address \_\_\_\_\_

\*Where the candidate is a member of the Scheduled Castes the particular caste to which the candidate belongs \_\_\_\_\_

Constituency in electoral roll of which the candidate is registered as an elector \_\_\_\_\_

Number of the candidate on the electoral roll of the constituency in which he is registered as an elector \_\_\_\_\_

Name of the proposer \_\_\_\_\_

Number of proposer on the electoral roll of the constituency in which the candidate is a candidate for election \_\_\_\_\_

Signature of the proposer \_\_\_\_\_

Name of the seconder \_\_\_\_\_

Number of the seconder on the electoral roll of the constituency in which the candidate is a candidate for election \_\_\_\_\_

Signature of the Seconder \_\_\_\_\_

\*This column is to be filled only in the case of constituency where the seat or any of the seats to be filled is reserved for the Scheduled Castes. In other cases, this column shall be struck out.

#### DECLARATION BY CANDIDATE

I hereby declare that I agree to this nomination.

Date \_\_\_\_\_ Signature of candidate \_\_\_\_\_

#### Declaration as to choice of symbols

I do hereby declare that the symbols which I have chosen for my election are shown below in the order of my preference:—

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Date \_\_\_\_\_ Signature of candidate \_\_\_\_\_

#### Declaration by a candidate who is a member of any of the Scheduled Castes

I hereby declare that I am a member of the \_\_\_\_\_ caste which has been declared to be a Scheduled Caste in the State.

Date \_\_\_\_\_ Signature of the Candidate.

*Note.*—This nomination paper will not be valid unless it is delivered to the Deputy Commissioner or other person authorised to receive it at his office before 3 p.m. on —

(To be filled in by Deputy Commissioner or other authorised person)

#### CERTIFICATE OF DELIVERY

Serial No. \_\_\_\_\_

This nomination paper was delivered to me at my office at \_\_\_\_\_ (date and hour).

Date \_\_\_\_\_ Signature of Deputy Commissioner—  
 or other authorized person \_\_\_\_\_

#### CERTIFICATE OF SCRUTINY

[Rule 15(2)]

I have scrutinized the eligibility of the candidate, the proposer and seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination, and I, therefore, accept the nomination of \_\_\_\_\_

I have scrutinized this nomination and reject it for the following reasons:—

Date \_\_\_\_\_ Signature of officer scrutinizing the nomination paper.

The symbol assigned to the candidate is \_\_\_\_\_  
 Signature of Deputy Commissioner or other authorized person \_\_\_\_\_

#### FORM II

##### FORM OF TENDERED BALLOT-PAPER

(Rule 32)

Election for \_\_\_\_\_ Constituency \_\_\_\_\_ 19 —

Polling Station \_\_\_\_\_

Name of voter \_\_\_\_\_

Number in electoral roll \_\_\_\_\_

Name of candidate or candidates for whom this is tendered—

1. \_\_\_\_\_
2. \_\_\_\_\_

Etc. \_\_\_\_\_

Date \_\_\_\_\_ Signature of the Presiding Officer.

#### FORM III

(Rule 32)

##### TENDERED VOTES LIST

Polling Station \_\_\_\_\_

Name of constituency	Name of voter	Number in electoral roll	Signature of voter, if literate or thumb-impression, if illiterate, with his address



**FORM IV**  
(Rule 33)  
**LIST OF CHALLENGED VOTES**  
Polling Station—  
Signature Sheet No.———

1. Name of Constituency.
2. Number on electoral roll.
3. Name and address.
4. Signature of voter, if literate, or thumb-impression of voter, if illiterate.
5. Name of identifier, if any.
6. Order of Presiding Officer in each case.

**FORM V**  
**BALLOT-PAPERS**  
[Rule 36 (3)]

	Particulars	SERIAL NUMBER		
		From	to	Total
Received ..	Single Member			
	Double Member			
Issued ..	Single Member			
	Double Member			
Unissued ..	Single Member			
	Double Member			

**ACCOUNT OF TOTAL BALLOT-PAPERS ISSUED**

Total issued	Total returned spoilt	Balance total in ballot-box

**TENDERED BALLOT-PAPERS**

	Particulars	SERIAL NUMBER		
		From	To	Total
Received ..	Single Member			
	Double Member			
Issued ..	Single Member			
	Double Member			
Unissued ..	Single Member			
	Double Member			

**ACCOUNT OF TOTAL TENDERED BALLOT-PAPERS ISSUED**

Total issued	Total returned spoilt	Balance total in parcel

Date—  
Signature—  
(Presiding Officer)

**FORM VI**

(Rule 38)

**FORM OF ACCOUNT OF BALLOT-PAPERS**

Election—Constituency—19  
Name of candidate—

1. Serial number of entry.
2. Name of the polling station at which the ballot-box was used.
2. Number of polling booth, if any, at which the ballot-box was used.
4. Number of valid ballot-papers in the ballot-box used at each polling station or polling booth.

Total number of valid votes recorded in ballot-papers contained in the ballot-boxes—

Total votes polled—

Date—

Signature of Presiding Officer—

**FORM VII**

(Rule 38)

**FORM OF RECORD OF REJECTED BALLOT-PAPERS**

Election for—Constituency—19

1. Serial number of entry.
2. Serial number of ballot-paper.
3. Number and distinguishing mark of the ballot-box in which it was found.
4. Name of the candidate in whose ballot-box it was found.
5. Brief grounds for rejection.

Date—

Signature of Presiding Officer.

By order,  
H. R. MAHAJAN,  
Assistant Secretary.

**भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन**

**DIRECTORATE OF LAND RECORDS**

**ADVERTISEMENT**

Applications stating age, qualification, experience etc., are invited for one post of Assistant in this Directorate in the grade of Rs. 106-6-160/8-200 plus usual allowances as admissible under rules to reach the undersigned on or before 30th June, 1956.

Persons having experience in Revenue Department work shall be preferred.

Director of Land Records,  
Himachal Pradesh, Simla-5.

**OFFICE OF THE ASSISTANT PROJECT OFFICER  
PAONTA BLOCK, PAONTA**

**ADVERTISEMENT**

Applications are invited for a temporary post of Hindi Typist in the scale of Rs. 50-3-80-4-100 plus usual dearness allowance admissible under the rules in the Community Project, Paonta Block, Paonta. The candidates must be at least Matriculate having a correct minimum speed in typing of 25 words per minute.

2. The applications from the suitable candidate, should reach this office on or before 25th June, 1956 and

the candidates shall have to appear for an interview before the Board at their own expenses at the Block Headquarter on 1st July, 1956.

Assistant Project Officer,  
Community Project, Paonta Block,  
Paonta, District Sirmur, (H.P.)

अब अदालत श्री तारा चन्द रिवाल, बी० ए०, एल एल० बी०, अडीशनल  
सब जज बहादुर, जिला मन्डी, हिमाचल प्रदेश  
इस्तहार आर्डर 5, रूल 20, जान्ना दीवानी  
मिसल नं० 13, रजुआ 13-1-56, मुतदायरा  
सन्तोष सिंह करयाना मरचैट, चौहटा बाजार मन्डी, हिमाचल प्रदेश  
....वादी

जीवन सिंह मिस्त्री पुत्र उजागर सिंह, बरमकान हरभजन सिंह, लाहौरी  
गेट अमृतसर.....प्रतिवादी

दावा दिलापाने मु० 75 रुपये

उपरोक्त शीर्षक मुकद्दमा में अदालत को तामील कुनिन्दा व न्यान  
हलफा वादी निश्चय हो चुका है कि प्रतिवादी पर साधारण तौर से  
तामील नहीं हो सकती। अतएव इस इस्तहार द्वारा उक्त प्रतिवादी  
को सूचित किया जाता है कि वह स्वयं या वकील द्वारा अपने मुकद्दमे की  
पेरवी इस अदालत में उपस्थित होकर 27-6-56 को 10 बजे प्रातः  
करे। अन्यथा उसके विपरीत कार्यवाही यकतरफा अमल में लाई जावेगी।  
तिथि 9-6-56

आज हमारे हस्ताक्षर व मोहर अदालत के जारी किया गया।

हस्ताक्षर

मुद्रा

अडीशनल सब जज,  
मन्डी।

ब अदालत श्री ए० एस० भटनागर, बी० ए०, एल एल० बी०,  
सीनियर सब जज बिलासपुर, हिमाचल प्रदेश,  
अभियोग नं० 9/1 मुतदायरा  
इस्तहार जेर दफा 5, रूल 20, जान्ना दीवानी  
रोशन वल्द रवालु, जात खत्री, सकना जोलपलाखी, परगना  
तीयून....वादी

बनाम

1 धर्म सिंह, 2 प्यार सिंह, 3 लेख राम, पिसरान जंगी राजपूत,  
सकना जोलपलाखी, परगना तीयून.....प्रतिवादिमान

दावा दल्लयाबो अराजी 7 बिचे

बनाम

धर्म सिंह, प्यार सिंह, लेख राम, पिसरान जंगी, जात राजपूत, सकना  
जोलपलाखी, परगना तीयून, प्रतिवादिमान। हाल प्रतिवादी नं० 2

सकना बलदवाड़ा, तहसील सरकाघाट, इलाका मंडी। मुदायला नं० 3  
हाल बलदवाड़ा, तहसील सरकाघाट, इलाका हदली, जिला मन्डी  
.....प्रतिवादिमान।

चुं कि मुकद्दमा मुन्दरजा अनुमान बाला में मुसम्मियान धर्म सिंह, प्यार  
सिंह, लेख राम, प्रतिवादिमान मजकूरान तामील समनात से दीदा दानिस्ता  
गरेज करते हैं और रूपोश हैं इसलिए इस्तहार हजा बनाम मुसम्मियान  
धर्म सिंह, प्यार सिंह, लेख राम प्रतिवादिमान मजकूरान जारी किया  
जाता है कि अगर मुसम्मियान धर्म सिंह, प्यार सिंह, लेख राम,  
प्रतिवादिमान मजकूरान बतारीख 13-7-1956 को सुकाम बिलासपुर  
खास हाजर अदालत हजा में नहीं होंगे तो इनकी निसबत कारवाई  
यकतरफा अमल में लाई जावेगी।

आज बतारीख 11-6-56 को बशफत हस्ताक्षर मेरे व मुद्रा न्यायालय  
से जारी किया गया।

हस्ताक्षर,

सीनियर सब जज,

बिलासपुर।

## PUBLIC NOTICE

It is hereby notified for public information that in view of the setting in of the rainy season, regular plying of passenger and goods services on the fair weather roads served by the Himachal Government Transport shall be suspended from the 20th June, 1956, to the 15th September, 1956, unless otherwise notified.

SURAJ SINGH,  
General Manager,  
Himachal Govt. Transport.

## PLANNING AND DEVELOPMENT DEPARTMENT

### ADVERTISEMENT

Wanted qualified and experienced Overseers for Community Development Projects and National Extension Service Blocks in Himachal Pradesh in the scale of Rs. 100-8-140/10-160/10-200/10-300 plus Dearness Allowance as admissible under the rules. The posts are purely temporary. The grant of higher start will be considered on the basis of qualifications and experience. The candidates selected for the post would serve wherever required in Himachal Pradesh.

Apply with full particulars to the undersigned by 16th July, 1956.

Development Commissioner,  
Himachal Pradesh, Simla-5.

## भाग 6— भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

शस्य

भाग 7— भारतीय निर्वाचन-आयोग ( Election Commission of India ) की वैधानिक अधिसूचनाएं  
तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं।

शस्य

अनुपूरक

शस्य